CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Enoch Sowah		Squad #7	201805247	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Friday, 06/29/2018 4:57 PM		East 177th Street and East Tremont		48	12/29/2019	12/29/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Time	Received at CCI	RB
Fri, 06/29/2018 10:54 PM		CCRB	On-line website	Fri, 06/29/2018 10:54 PM		
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. POM Nicolas Mahuad	02214	960850	048 PCT			
2. POM Andrew Cummings	2646	956559	048 PCT			
Officer(s)	Allegati	on		Inve	estigator Recon	nmendation
A.POM Andrew Cummings	Abuse: Police Officer Andrew Cummings threatened with the use of force.					
B.POM Nicolas Mahuad	Abuse: Police Officer Nicolas Mahuad searched §87(2)(b)					
C.POM Andrew Cummings	Abuse: Police Officer Andrew Cummings searched §87(2)(b)					
D.POM Andrew Cummings	Abuse: Police Officer Andrew Cummings threatened to seize s property.					

Case Summary filed this complaint with the CCRB via the on-On June 29, 2018, § 87(2)(b) line website. On June 29, 2018, at approximately 4:47 p.m., in the vicinity of East 177th Street and East Tremont Avenue in the Bronx, Police Officers Andrew Cummings and Nicholas Mahuad of the 48th Precinct stopped a vehicle in which (\$197(2)(5)) and an unidentified woman were occupants. PO Cummings pointed his Taser at § 87(2)(b) (Allegation A: Abuse of). PO Mahuad and PO Cummings searched § 87(2)(b) Authority, § 87(2)(g) (Allegations B and C: Abuse of Authority, §87(2)(9) received a summons for making an improper left turn (BR01). PO Mahuad and PO Cummings recorded this incident on their Body Worn Cameras (BWC). The original and subclip files could not be attached to this report, but could be found in IAs# 19 and 21 (BR02-BR03). **Findings and Recommendations** Allegation (A) Abuse of Authority Police Officer Andrew Cummings threatened §87(2)(b) with the use of force. (BR04) said that he picked up a female passenger in the vicinity of Devoe and East Tremont Avenue, and was heading towards East 177th Street in the Bronx, when he was pulled over by PO Cummings and PO Mahuad via sirens and lights, PO Mahuad and PO Cummings approached the vehicle's driver's and front passenger's sides, respectively. PO Mahuad said § 87(2)(b) made an improper left turn and ordered him to produce his New York State (NYS) driver's license. § 87(2)(b) removed his New York City (NYC) Taxi and Limousine Commission (TLC) license from his wallet, and gave it to PO Mahuad. PO Mahuad s driver's license and ordered him to took the TLC license, said he needed \$87(2)(b) produce it approximately four more times. § 87(2)(b) said he was working as an Uber driver and that he was only required to provide his TLC license. PO Mahuad again ordered to produce his driver's license, but \$87(2)(6) refused and said that the information on his driver's license was the same on his TLC license. The TLC license provided to PO Mahuad only contained § 87(2)(b) s name and his TLC license number. § 87(2)(b) s date of birth is not listed on the TLC license, and his picture is not visible on the license (BR13). turned towards his passenger's side and saw PO Cummings by the rear passenger's door with a Taser in his hand that was pointed at \$87(2)(b) The female passenger had exited the vehicle and left. \$87(2)(b) did not know when the female passenger exited the vehicle, nor did he know when or why PO Cummings had the Taser pointed did not make any movements in his vehicle, was generally calm, and denied making any threatening statements to the officers prior to noticing that PO Cummings had a Taser pointed at him. PO Mahuad opened the driver's door, grabbed \$87(2)(b) ordered him to exit. \$87(2)(b) complied, at which point PO Cummings lowered his Taser. PO Cummings (BR05) corroborated § 87(2)(b) s account, but with the following

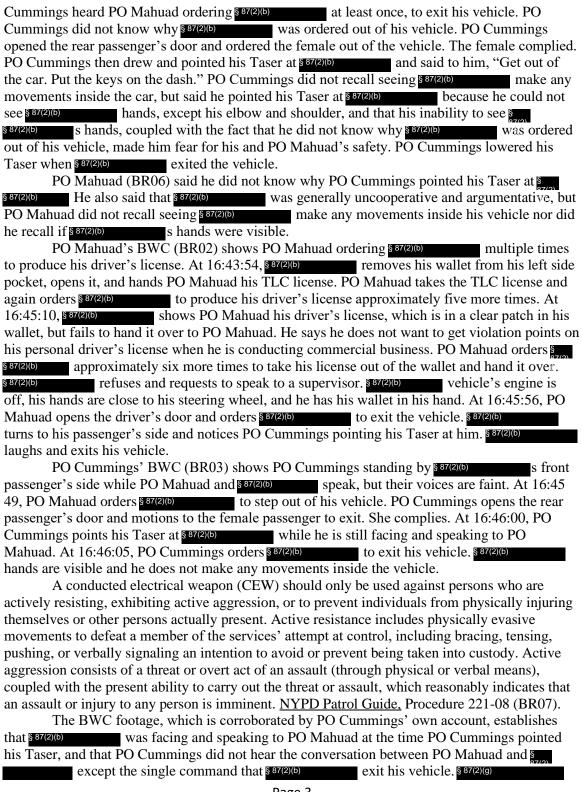
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and PO Mahuad. At some point, PO

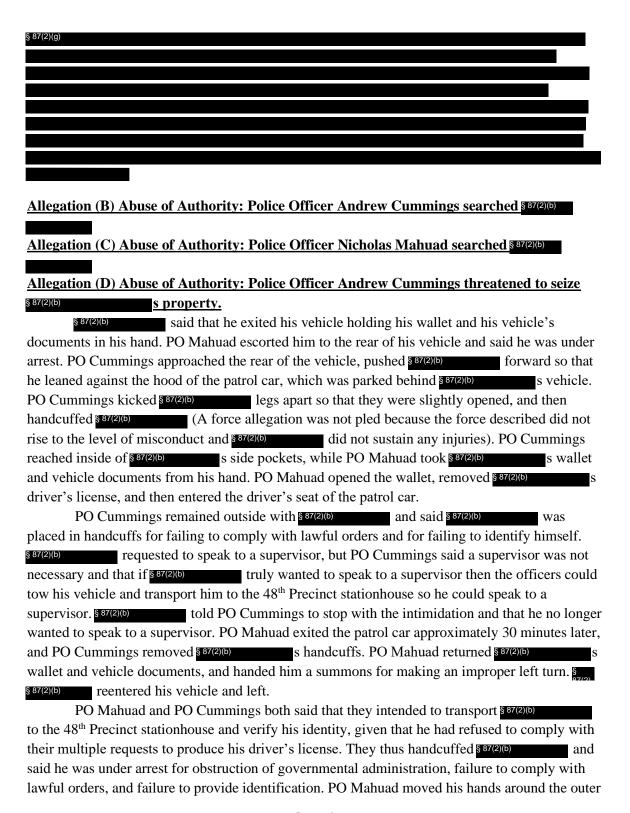
exceptions. He said \$87(2)(b) had his face turned towards PO Mahuad when he approached the vehicle's front passenger's side, and that the front passenger window was closed, thus he

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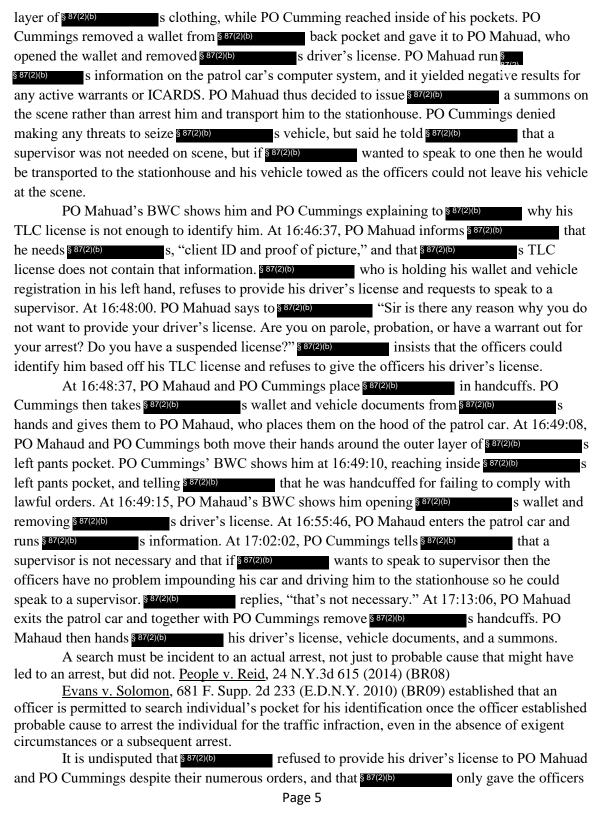
could not hear the conversation between § 87(2)(b)



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his TLC	license, which was devoid of his date of birth and his picture. § 87(2)(9)
§	87(2)(g)
8	87(2)(g)
3	○ (=) ₁₉
• I	Civilian and Officer CCRB Histories This is the first CCRB complaint to which \$87(2)(b) has been a party (BR10). PO Mahuad has been a member-of-service for two years and has been a subject in four CCRB complaints and 15 allegations, six of which were substantiated, and two of which remains open. O Case #201708643 involved a substantiated allegation of an entry, threat of force, discourtesy, and frisk of a person against PO Mahuad. The Board recommended formalized training. The NYPD is yet to impose discipline. O Cummings has been a member-of-service for four years and has been a subject in two CCRB complaints and three allegations, two of which remains open, and the other of which was not substantiated. S87(2)(9)
	Mediation, Civil and Criminal Histories
• ((declined to mediate this complaint. On December 10, 2018, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the inquiry is still pending. The results will be added to the case file upon receipt (BR11). [87(2)(5)] [§§ 86(1)(3)&(4)] [§ 87(2)(5)]
	(3) (2)(0)[133 30(1)(0)(4(1)][13 0) (2)(0)[

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Squad No.:			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date